

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH  
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTEENTH DAY OF FEBRUARY  
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE MR JUSTICE K.C. BHANU**

**WRIT PETITION NO : 1409 of 2005**

Between:

K.Satyanarayana, s/o Rajaiah,  
o/o Operation, A.P.N.P.D.C.L., Adilabad Town North,  
Adilabad, Adilabad District.

**..... PETITIONER**

AND

1 The Chairman and Managing Director,

Andhra Pradesh Northern Power Distribution Company  
Limited (APNPDCL), Hanumakonda, Warangal District.

2 The Chief General Manager/HRD, APNPDCL, Warangal.

3 The Superintending Engineer (Operation),

APNPDCL, Adilabad. **.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction more in the nature of writ of mandamus to declare the action of the respondents in not reinstating the petitioner into the service by reviewing his suspension orders as per G.O.Ms.No.86, dt.8-3-1994 and also as per the Memo No.110169/Ser.C/2003, dt.11-9-2003 as illegal, arbitrary, discriminatory and violative of Articles 14 and 16 of Constitution of India and consequently direct the respondents to reinstate the petitioner into the duty forthwith by setting aside the impugned suspension Memo No.CEE/HRD/DS/AS(DC)/564-D/2001-1, dt.28-6-2001 of the 2nd respondent, by reviewing his case as per the various order of the Government, as was done in case of similarly placed persons.

**Counsel for the Petitioner: MR.POODATTU AMARENDER**

**Counsel for the Respondent No.: MR.SAMINENI KISHORE**

The Court, at the admission stage, made the following :

**THE HON'BLE MR JUSTICE K.C. BHANU**

-

**WRIT PETITION NO : 1409of 2005**

-

-

**ORDER:**

Challenging the action of the respondents in not reinstating the petitioner into the service by reviewing his suspension orders as per G.O.Ms.No.86 dated 08-03-1994 and also as per memo dated 11-09-2003, the present writ petition has been filed.

2. Heard the learned counsel for the petitioner and the learned standing counsel for the respondents.

3. The alleged reason for placing the petitioner under suspension is that when he was trapped by the Anti Corruption Bureau, he demanded and accepted bribe of Rs.1000/- from the consumer at his residence. A case in Crime No.5/ACB-KNR/2001 under Section 7 of the Prevention of Corruption Act, 1988 was registered. Later, on coming to know the same, the Chief Engineer of the respondents placed the petitioner under suspension through his proceedings dated 28-06-2001. Thereafter, nothing has been transpired or proceeded further.

4. The learned counsel for the petitioner contended that the case of the petitioner has to be reviewed for every six months and the outer limit for conducting enquiry is two years from the date of suspension as per G.O.Ms.NO.86 dated 08-03-1994. Therefore, the impugned order is not sustainable in accordance with the Memo dated 11-09-2003.

5. On considering the submissions made by the counsel for the petitioner and on perusal of the Government Memo dated 11-09-2003, it is clearly revealed that review of suspension should be taken up at intervals of six months, but at any rate, the enquiry should be completed at the end of the period of two years. Of course, the disciplinary authority can extend the suspension period beyond the period of two years, in cases, where there is any deliberate delay caused due to non-cooperation of employee concerned. But, it is not such a case on hand inasmuch as the delay was not caused due to non-cooperation by the petitioner in conducting the enquiry proceedings. But, the respondents failed to reinstate the petitioner into service by reviewing his case. Therefore, the respondents, clearly violated the Government Orders and therefore, the suspension orders in G.O.Ms.No.86 dated 08-03-1994 are set aside.

6. Accordingly, the writ petition is allowed directing the respondents to reinstate the petitioner into service. This order will not preclude the respondents in proceeding further in the departmental enquiry. No costs.

---

February 17, 2005

Kvr

To

1 The Chairman and Managing Director,

Andhra Pradesh Northern Power Distribution Company  
Limited (APNPDCL), Hanumakonda, Warangal District.

2 The Chief General Manager/HRD, APNPDCL, Warangal.

3 The Superintending Engineer (Operation),

APNPDCL, Adilabad.

4 Two C.D copies.